

Appl. no. 09/940,166
Amdt. dated 8/12/2003
Reply to Office action of 03/11/2003

REMARKS / ARGUMENTS

Claim 20 is pending and has been rejected solely under the judicially created doctrine of obviousness -type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,322,997.

Applicants submit herewith a terminal disclaimer over issued U.S. Patent No. 6,322,997. The submission of the terminal disclaimer is not an admission that the pending claims are obvious over the U.S. Patent alone or together with any other reference.

Applicants believe the present rejection has been overcome and respectfully request that the rejection be withdrawn and that the pending claim 20 be allowed. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-0630 (Ref. Docket No. P1105R1D1C1).

Respectfully submitted,
GENENTECH, INC.

Date: August 12, 2003

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